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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 NATHANIEL MARCUS GANN, et al.,

12 Plaintiffs,

13 vs.

14 VALLEY STATE PRISON, et al.,

15 Defendants.  
16  
17  
18

1:19-cv-01797-GSA-PC

**ORDER STRIKING CONSENT/DECLINE  
FORM FILED BY MICHAEL R.  
WARZEK AS IMPROPERLY FILED IN  
THIS CASE  
(ECF No. 12.)**

**ORDER DIRECTING THE CLERK TO  
SERVE A COPY OF THIS ORDER ON  
MICHAEL R. WARZEK**

19 Nathaniel Marcus Gann ("Plaintiff Gann") is a state prisoner proceeding *pro se* and *in*  
20 *forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff Gann and  
21 fourteen co-plaintiffs filed the Complaint commencing this action on December 26, 2019. (ECF  
22 No. 1.)

23 Currently, Plaintiff Gann is the sole plaintiff in this case. On January 7, 2020, the court  
24 issued an order severing Plaintiff Gann's claims from his fourteen co-plaintiffs' claims and  
25 directing the Clerk to open a new case for each of the fourteen co-plaintiffs. (ECF No. 10.) Thus,  
26 each of the fourteen co-plaintiffs now proceeds with his own case and separate case number.  
27 Each co-plaintiff was ordered to complete and file *in his own case* the court's consent/decline  
28 form indicating whether he consents to or declines Magistrate Judge jurisdiction. (*Id.*)

1 On January 10, 2020, one of the co-plaintiffs, Michael R. Warzek ("Warzek"),  
2 erroneously filed a consent/decline form in this case instead of in his own new case. (ECF No.  
3 12.) Warzek's consent/decline form in this case shall be stricken from the record as improperly  
4 filed in this case.<sup>1</sup> Warzek is required to file a consent/decline form in his new case using his  
5 new case number, if he has not already done so.

6 Based on the foregoing, IT IS HEREBY ORDERED that:

- 7 1. The consent/decline form filed in this case by Michael R. Warzek on January 10,  
8 2020, is STRICKEN from the record as improperly filed in this case;
- 9 2. Michael R. Warzek is required to file the court's consent/decline form *in his own*  
10 *case*, if he has not already done so; and
- 11 3. The Clerk is directed to serve a copy of this order on:

12 Michael R. Warzek  
13 F-62979  
14 Valley State Prison  
P.O. Box 96  
Chowchilla, CA 93610

15  
16 IT IS SO ORDERED.

17 Dated: January 30, 2020

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> "A document which is 'stricken' will not be considered by the Court for any purpose." (See  
First Informational Order, ECF No. 6 at 2:7-8.)